

<b>UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO</b> <b>SENTENCING MINUTE SHEET</b> <b>BEFORE THE HONORABLE JUDITH C. HERRERA</b>									
CR No:	18-3495 JCH	USA vs.	Smith						
Date:	11/10/22	Defendant:	Douglas Smith						
Time In/Out:	1:37 – 2:25			Total Time in Court:			48 minutes		
Clerk:	E. Romero			Court Reporter:			Paul Baca		
AUSA:	Novaline Wilson & Kyle Nayback			Defendant's Counsel:			Aric Elsenheimer & Amanda Lavin		
Sentencing in:	Albuquerque			Probation Officer:			Ana Ortiz y Martinez		
Interpreter:	n/a			Interpreter Sworn?			<input type="checkbox"/>	Choose an item.	
Convicted on:	Verdict			As to:	Indictment			Counts:	
Guilty Plea:				Plea Agreement:					
Date of Plea/Verdict:	6/18/21	PSR:	Disputed	<input checked="" type="checkbox"/>	Courts adopts PSR Findings		Evidentiary Hrg:	Not Needed	
Exceptions to PSR:									
SENTENCE IMPOSED									
<b>IMPRISONMENT (BOP):</b>		27 months							
<input type="checkbox"/>	500-Hour Drug Program	<input type="checkbox"/>	BOP sex-offender treatment program			Other:			
<b>SUPERVISED RELEASE:</b>		2 years				<input checked="" type="checkbox"/>	Mandatory/Standard Conditions		
SPECIAL CONDITIONS OF SUPERVISION									
<input type="checkbox"/>	Participate in/successfully complete outpatient substance abuse treatment program & grant waiver of confidentiality			<input checked="" type="checkbox"/>	Submit to substance abuse testing; Testing not to exceed 60 tests per year				
<input checked="" type="checkbox"/>	Submit to search of person/property			<input checked="" type="checkbox"/>	Refrain from use/possession of alcohol/intoxicants; Testing not to exceed 4 per day				
<input checked="" type="checkbox"/>	Not knowingly purchase, possess, distribute, administer, use any psychoactive substances			<input type="checkbox"/>	Must not possess, sell, offer for sale, etc. any drug paraphernalia				
<input type="checkbox"/>	Participate in/successfully complete mental health program & grant waiver of confidentiality			<input type="checkbox"/>	Must take all mental health medications as prescribed				
<input checked="" type="checkbox"/>	Community service: 40 hours			<input checked="" type="checkbox"/>	Must not communicate, or otherwise interact, with victim's family directly or indirectly w/o approval				
<input type="checkbox"/>	Participate in an educational or vocational service program			<input type="checkbox"/>	No contact with codefendant(s)/coconspirator(s) w/o approval				
MONETARY PENALTIES / FORFEITURES									
Fine: \$	-0-	Restitution: \$	-0-	SPA: \$	100.00	Due Immediately			
Forfeit rights title & interest to:									
OTHER									
<input checked="" type="checkbox"/>	Advised of Right to Appeal			<input checked="" type="checkbox"/>	Voluntary Surrender				
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration: Federal Medical Center due to defendant's age and medical issues, specifically: age related supraventricular tachycardia and macular degeneration; Court also recommends BOP place defendant in minimum confinement status; The Court is to be notified if BOP is unable to place defendant at a Federal Medical Center.								
<input type="checkbox"/>	Dismissed Counts:								
PROCEEDINGS									
Court in session – parties state appearances; Court states the majority of sentencing has been completed and parties should focus on the issue of the variance request as to age and health; Court outlines records reviewed for sentencing; Mr. Elsenheimer addresses Court for sentencing as instructed; Ms. Wilson responds; Mr. Elsenheimer rebuttal; Court addresses parties, denies request for variance and outlines reasoning; Ms. Wilson has nothing to add; Mr. Elsenheimer objects to the proposed sentence; Court imposes sentence; Defendant to report to the USMS immediately for reporting instructions; Self-surrender is typically within 60 days.									